REMARKS

Original pending claims 1-49 have been canceled. New claims 50 to 107 have been added to more clearly define and claim Applicant's invention. Applicant claims an improved odor control product comprising a preferred zeolite, at least one preferred acid and a metal oxide. The claims have been limited to claim fumaric acid and aspartic acid as the preferred acids.

In the Office Action dated 3/29/05, the Examiner rejected the previously pending claims under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,826,497 to Marcus et al. in view of EP 0 509 409 and U.S. Patent No. 5,780,020 to Peterson and further in view of three foreign patent abstracts, JP 63216572, JP 72046908 and DE 19837539. The rejection is respectfully traversed in light of the newly submitted claims and the remarks given below. As is discussed herein, the references cited by the Examiner do not, alone or in combination, teach Applicant's improved product.

The Marcus patent discloses and claims improved zeolites. As is clear from the Applicant's disclosure, the Marcus type zeolites are the preferred zeolites of the Applicant's invention. The Examiner's statements in the pending Office Action further refer to the use of other medicaments and adsorbents, including cliniptolite. It is noted that while the use of other absorbents in combination with zeolites is known in the art, the Marcus patent does not disclose or suggest the specifics of Applicant's improved product. Further, the Examiner's statement that cliniptolite is the preferred odor suppressant in Marcus teaches against Applicant's improved product, as it is clear from the specification cliniptolite is merely used as a diluent (see paragraph 36.)

The Examiner cites the EP patent for teaching the use of an acid in an odor control product. While the EP patent does disclose an acid/base/neutral deodorant, the EP patent does not teach the Applicant's use of a specific acid in combination with a preferred zeolite and a metal oxide to form Applicant's improved product.

The EP patent teaches that the preferred acid is citric acid (page 4, line 38,) which has been found to be unstable if used in Applicant's product. Further, the EP patent teaches that the acid should be no more than 10%, with 5% more preferred and 1% most preferred (see page 4, line 42) and that the acid can be eliminated entirely from the EP product (see page 4, lines 43-44.) The Applicant's specification does not disclose any formulation utilizing less than 24% by weight acid. Therefore, even if it could be said that the EP patent teaches or suggests the Applicant's use of an acid, the EP patent does not disclose the use of Applicant's preferred acids at Applicant's acid percentages.

The Examiner cites the Peterson patent for the teaching that antimicrobial agents, such as zinc oxide, are used in body deodorant products to reduce odor formation by controlling bacteria or fungi. However, the Applicant's improved product does not utilize zinc oxide as an antimicrobial. Furthermore, an antimicrobial would be ineffective in Applicant's product. Antimicrobials prevent the formation of odors by preventing the growth of microbes. This takes time, typically at least about 20 minutes. Applicant's product is for use in treating odors that already exist, and is designed to work in as little as 30 seconds. The zinc oxide in Applicant's product reacts with volatile mercaptans and sulfides in the odor to form insoluble and lower vapor pressure products. This use of metal oxides is not disclosed or suggested in the Peterson

patent.

The Examiner cites the abstracts of three foreign patents, noted above. While we cannot speculate as to the disclosures and teachings of the specifications, the abstracts are cited by the Examiner for the use of acids in odor control devices. While the use of acids is known, the abstracts do not disclose the Applicant's improved product.

Finally, the Examiner has shown no motivation to combine these references. Moreover, even if some motivation could be found, the combined patents do not teach the Applicant's invention. Marcus teaches the use of Applicant's preferred zeolite, but does not teach Applicant's preferred acids or the use of the metal oxide. The EP patent teaches the use of acids, namely citric acid, in percentages of no more than 10%, but does not disclose Applicant's preferred acids in the percentages required for Applicant's improved product. Peterson teaches the use of antimicrobials in body deodorants, but does not teach Applicant's use of a metal oxide as a reactant with mercaptans and sulfides. Therefore, even if these patents could be properly combined, and even if there was some motivation to combine, the result would not teach Applicant's product. For this reason it is respectfully submitted that the claims as amended are in condition for allowance.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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